

1 ALAN J. LAZARUS (State Bar No. 129767)
2 KRISTA L. COSNER (State Bar No. 213338)
3 DRINKER BIDDLE & REATH LLP
4 50 Fremont Street, 20th Floor
5 San Francisco, California 94105
6 Telephone: (415) 591-7500
7 Facsimile: (415) 591-7510
8 Alan.Lazarus@dbr.com
9 Krista.Cosner@dbr.com

10 Attorneys for Defendant
11 SMITHKLINE BEECHAM CORPORATION d/b/a
12 GLAXOSMITHKLINE

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 DAVID COMPTON, EARL HAUTHER,
17 THOMAS MCKINNEY,

18 Plaintiffs,

19 v.

20 SMITHKLINE BEECHAM
21 CORPORATION d/b/a
22 GLAXOSMITHKLINE and McKESSON
23 CORPORATION,

24 Defendants.

Case No. 2667

NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING
[CIV. L.R. 3-13]

25 Pursuant to Civil L.R. 3-13, defendant SMITHKLINE BEECHAM
26 CORPORATION d/b/a GLAXOSMITHKLINE ("GSK") submits the following Notice of
27 Pendency of Other Action or Proceeding:

28 On October 16, 2007, the Judicial Panel on Multidistrict Litigation ("JPML")
created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability*
Litigation, directing that then-pending Avandia®-related cases be transferred and
coordinated for pretrial proceedings in the United States District Court for the Eastern
District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.
§1407. To date, over 100 cases have been transferred to MDL 1871, and transfers of

ORIGINAL
FILED

MAY 27 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEJ

1 additional "tag-along" actions are pending. GSK seeks the transfer of this action to MDL
 2 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court
 3 stay this action, pending a decision on transfer by the JPML, to achieve judicial
 4 economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures)
 5 and to avoid conflicts, conserve judicial resources, and promote an efficient
 6 determination of the action.

7 Please take note that, in addition to MDL 1871, the following state court actions
 8 also allege marketing, sales practice and/or product liability claims against SmithKline
 9 Beecham Corporation d/b/a GlaxoSmithKline, related to the use of the prescription drug
 10 Avandia:

11 1. *Albert, Henry Jr. v. SmithKline Beecham Corporation d/b/a*
 12 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. not yet
 13 assigned;

14 2. *Arendall, Michael v. SmithKline Beecham Corporation d/b/a*
 15 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. not yet
 16 assigned;

17 3. *Bane, June v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
 18 Court of Common Pleas, Philadelphia County (Writ of Summons only);

19 4. *Barnes, Sydney, Barnes, Sue Ellen v. SmithKline Beecham Corporation*
 20 *d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
 21 only);

22 5. *Burford, Karen v. SmithKline Beecham Corporation d/b/a*
 23 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
 24 only);

25 6. *Bosak, Kenneth, Bosak, Patricia v. SmithKline Beecham Corporation d/b/a*
 26 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 000521;

27 7. *Bryant, Louis v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
 28 Court of Common Pleas, Philadelphia County, Case No. not yet assigned;

1 8. *Carrassquillo, Jose v. SmithKline Beecham Corporation d/b/a*
 2 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
 3 only);

4 9. *Cearley, Travis v. SmithKline Beecham Corporation, GlaxoSmithKline, and*
 5 *SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas,
 6 Philadelphia County, No. 003877;

7 10. *Fabyankovic, Janet v. SmithKline Beecham Corporation, McKesson*
 8 *Corporation and Does 1 through 15*, Superior Court for the State of California, San
 9 Francisco County, No. 08-471571;

10 11. *Fox, Deana v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*
 11 *Court of Common Pleas, Philadelphia County (Writ of Summons only);*

12 12. *Frensky, Richard v. SmithKline Beecham Corporation d/b/a*
 13 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
 14 only);

15 13. *Garcia, Yolanda v. SmithKline Beecham Corporation d/b/a*
 16 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 001967;

17 14. *Greer, Betty, individually and as Administrator of the Estate of Ernest*
 18 *Greer v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common
 19 Pleas, Philadelphia County, Case No. not yet assigned;

20 15. *Hall, Charles, Hall Susan v. SmithKline Beecham Corporation d/b/a*
 21 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002712;

22 16. *Hall, Clarence v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*
 23 *Marion County Superior Court, Indiana, No. 49013 08 03 CT 013930;*

24 17. *Kelley, Terry v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*
 25 *Court of Common Pleas, Philadelphia County, No. 004390;*

26 18. *Kelly, Joseph v. SmithKline Beecham Corporation, GlaxoSmithKline, and*
 27 *SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Supreme Court of the State of
 28 New York, Erie County, No. 12007-11066;

1 19. *Kennedy, Karen v. SmithKline Beecham Corporation d/b/a*
2 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 00391;

3 20. *Killinger, Cheryl v. SmithKline Beecham Corporation d/b/a*
4 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
5 only);

6 21. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC*,
7 Court of Common Pleas, Philadelphia County, No. 004897;

8 22. *Lackey, David v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
9 *et al.*, St. Charles Parish District Court, Louisiana, No. 67, 642-D, Div. D;

10 23. *Lipski, Henry v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
11 Court of Common Pleas, Philadelphia County, No. 002966;

12 24. *Long, Barbara v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
13 Court of Common Pleas, Philadelphia County (Writ of Summons only);

14 25. *Massey, Barbara v. SmithKline Beecham Corporation d/b/a*
15 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
16 only);

17 26. *Mauro, Betty v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,
18 Court of Common Pleas, Philadelphia County, No. 001141;

19 27. *McClure, Benjamin, McClure, Susan v. SmithKline Beecham Corp. d/b/a*
20 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 004431;

21 28. *Mick, Renee v. GlaxoSmithKline PLC, Rite Aid Pharmacy, and Rite Aid of*
22 *New York, Inc.*, Niagara County Supreme Court, New York, No. 132826;

23 29. *Moon, Charles v. SmithKline Beecham Corporation d/b/a*
24 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
25 only);

26 30. *Newcomb, Wilbert v. SmithKline Beecham Corporation d/b/a*
27 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. not yet
28 assigned;

1 31. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of
2 Common Pleas, Philadelphia County, No. 001670;

3 32. *Perrenot, Preston v. SmithKline Beecham Corporation d/b/a*
4 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454;

5 33. *Richmond, Fred v. SmithKline Beecham Corporation d/b/a*
6 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, Case No. not yet
7 assigned;

8 34. *Scheffler, Frank v. SmithKline Beecham Corporation d/b/a*
9 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
10 only);

11 35. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court
12 of Common Pleas, Philadelphia County, No. 002457;

13 36. *Tartack, Nancy, Tartack, Louis v. SmithKline Beecham Corporation,*
14 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court
15 of Common Pleas, Philadelphia County, No. 004010;

16 37. *Thomas, Samuel, Thomas Ruth Ann v. SmithKline Beecham Corporation*
17 *d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002483;

18 38. *Walker, Juliet v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*
19 Court of Common Pleas, Philadelphia County, No. 001054;

20 39. *Walls, Stephen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*
21 Court of Common Pleas, Philadelphia County (Writ of Summons only);

22 40. *White, Glenn v. SmithKline Beecham Corp., GlaxoSmithKline, and*
23 *SmithKline Beecham Corp. d/b/a GlaxoSmithKline*, Court of Common Pleas,
24 Philadelphia County, No. 003674;

25 41. *Williams, Adam v. SmithKline Beecham Corporation d/b/a*
26 *GlaxoSmithKline*, Commonwealth of Kentucky, 11th Judicial Circuit, No. 08-CI-00089;

27 42. *Wright, Michelle v. SmithKline Beecham Corporation d/b/a*
28 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons

only);

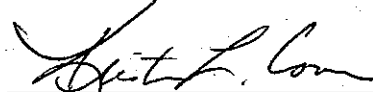
43. *Yeager, Elizabeth, et al. v. SmithKline Beecham Corporation, GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 004055;

44. *Yogus, William, Yogus, Barbara v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 003669; and

45. *Yubeta, George v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 000466.

Dated: May 27, 2008

DRINKER BIDDLE & REATH LLP



KRISTA L. COSNER

Attorneys for Defendant
SMITHKLINE BEECHAM
CORPORATION d/b/a
GLAXOSMITHKLINE